

Department of the Army



Pandemic Influenza Handbook For Commanders and Managers

Civilian Human Capital Information September 2009

Due to the possibility of a pandemic influenza outbreak, a variety of civilian Human Capital information has been consolidated in this "Handbook." This Handbook is also available on the Army's website <http://www.cpol.army.mil> and is subject to update as needed.



Office of the Assistant G-1 for Civilian
Personnel

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Relevant Websites

Department of Defense Civilian Human Capital Guide for Pandemic Planning

<http://www.cpms.osd.mil/disasters/docs/HRPIGuide2007.pdf>

Office of Personnel Management Pandemic Influenza Information:

<http://www.opm.gov/pandemic/index.asp>

Department of Defense Disaster Preparedness and Response Information:

<http://www.cpms.osd.mil/disasters>

Department of Health and Human Services Influenza Information

<http://www.pandemicflu.gov>

Centers for Disease Control and Prevention

<http://www.cdc.gov>

Department of Defense Telework Policy and Guide

<http://www.cpms.osd.mil/telework.aspx>

Employee and Family Support Benefits and Policies

http://www.opm.gov/employment_and_benefits/employeesupport2.asp

Staffing Flexibilities:

<http://www.opm.gov/pandemic/index.asp>

Workplace Posters:

<http://www.cpms.osd.mil/disasters>

Commanders and management officials in preparation for a pandemic influenza outbreak. It further serves as a tool for management officials by outlining civilian human resources flexibilities available to assist in planning for the continuity of operations and maintaining essential functions during a pandemic outbreak.

Each year in the United States, approximately 5 to 20% of the population contracts influenza resulting in approximately 36,000 deaths. A pandemic influenza may result in up to a 40% absenteeism rate that may last six to twelve weeks within a region where an outbreak is occurring.

Commanders have the responsibility for mission accomplishment and the well-being of the workforce - both of which could be seriously impacted by a local outbreak of the influenza virus. While it is inevitable that members of the workforce will become infected, there are a number of human resources flexibilities that can assist commands in maintaining continuity of essential operations.

Although highlights of civilian human resources programs and flexibilities are provided in this handbook, more detailed information is available at the servicing Civilian Personnel Advisory Center (CPAC). Links to websites with helpful information on relevant topics are listed at the end of this handbook.

Commands should monitor official announcements related to a pandemic influenza health crisis from Federal, State, and/or local health officials. Appropriate actions should be taken to prevent the spread of disease in response to guidance from public health officials.

Preparing for a Pandemic

It is impossible to know in advance whether a particular influenza virus will lead to a human pandemic. Influenza is highly contagious and can spread rapidly. After employees become ill, there will be little time to establish a plan of action and without preparation, commands will be forced to react to situations rather than act according to plan. A pandemic influenza outbreak can compromise the ability of a command to accomplish its mission. Commanders should consider the following in preparing for a possible pandemic situation:

- ❖ Involve the following personnel during the planning stages:
CPAC,

- Establish an emergency plan of action. At a minimum, the plan should
 - address procedures to be taken by personnel and the steps necessary to continue essential operations during a pandemic influenza outbreak.
- Test the plan of action to determine its effectiveness and make any modifications needed.
- Communicate plan of action to the workforce.

Preventive Measures

According to the Centers for Disease Control and Prevention (CDC), influenza is believed to be spread mainly person-to-person through coughing or sneezing of infected people. Preventive measures include:

- Keeping workplaces clean.
- Reminding employees to cover up coughs and sneezes with tissues or upper sleeves and wash hands frequently.
- Avoid touching eyes, nose or mouth.

Workplace posters reminding employees of preventive measures are available at the official DoD Disaster Preparedness and Response website: <http://www.cpmss.osd.mil/disasters/>.

Social Distancing

Another option for preventing the spread of the influenza virus among the workforce is the use of social distancing. Social distancing is the public health practice of encouraging people to keep their physical distance from each other during disease outbreaks in order to stop or slow the spread of infection. Such efforts may become necessary, especially where there have not been sufficient immunizations within the workforce.

In a work environment, social distancing can take the form of:

- Expanding the distance between desks.
- Closing the cafeteria and other gathering locations, to the extent possible.
- Canceling conferences and well-attended meetings.
- Conducting meetings via the telephone or video teleconference

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Headquarters, U.S. Southern Command			
Primary	Cheri Kenyon	(305)437-1106	567-1106
Human Resource Command (HRC)			
Primary	Cynthia Fisher	(703)325-4500	221-4500
Network Enterprise Technology Command/9th Signal Command (Army) (NETCOM/9th SC(A))			
Primary	Margie Aira	(520)538-6817	879-6817
Army National Guard			
Primary	Crystal Bivens	(703)607-9725	327-9725
United States Army North (USARNORTH)			
Primary	Robert Gonzales	(210)221-1853	471-1853
U.S. Army Reserve Command (USAREC)			
Primary	Kyle Tatum	(404)464-8930	464-8930

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US Army Special Operations Command (USASOC)

Primary	Sue McKenzie	(910)432-2228	239-2228
Alternate	Ruth A. Crumley	(910)432-2070	239-2070

Eighth US Army (EUSA)

Primary	John McCraey	011-82-2-7914-4104	315-724-4104
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US Army Space and Missile Defense Command (SMDC)

Primary	Joyce Lenoir	(256)955-5653	645-5653
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US Army Material Command (AMC)

Primary	Joseph Deely (Brian)	(703)806-8158	656-8158
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US Army Pacific (USARPAC)

Primary	Geri Otaguro	(808)438-7414	315-438-7414
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US Army South (USARSO)

Primary	Julie Keller	(210)295-6580	421-6580
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Primary	Pamela Hardeman-Boyd	(210)295-5935	421-5934
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US Military Entrance Processing Command (MEPCOM)

Primary	Jack Houtz	(847)688-3680 Ext. 7207	792-3735
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US Military Academy (USMA) West Point

Primary	Cecilia Kampsula	(845)938-2115	688-2115
Alternate	Niko Jones	(845)938-6221	688-6221

Military District Washington (MDW)

Primary	Carmen Reimer	(202)685-0489	325-0489
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Installation Management Command (IMCOM)

Primary	Patrick Stewart	(703)602-3303	332-3303
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US Army Test and Evaluation Command (ATEC)

Primary	Carrie Wiggins	(703)681-3854	761-3854
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- ❖ Moving an employee with flu-like symptoms to work apart from the remainder of the workforce.
- ❖ Authorizing employees to work at alternative locations (See Telework section).
- ❖ Establishing work shifts so there are fewer employees in the work environment at a given time. (See Work Schedule section. Establishment of mandatory shifts solely for social distancing should be considered as a last resort based on the possible disruption caused to the employees' personal lives.)

The key to any social distancing effort is to have employees remain at least six feet apart and to avoid handling objects previously handled by other employees.

Personnel Accountability

Contact procedures should be in place to achieve 100% personnel accountability during emergencies. Organizations and employees must be made aware of pre-established report in procedures, phone numbers, and e-mail addresses.

- ❖ Commanders should ensure plans and procedures are in place for full accountability of all employees.
- ❖ Ensure mechanisms are in place to inform personnel as to the current operating status of commands/activities.
- ❖ Call-in information and procedures should be distributed to all employees prior to the need.
- ❖ Ensure employees notify supervisors in a timely manner when emergency and/or personal contact information has been changed.
- ❖ Conduct call-in exercises to ensure systems and procedures provide expected results.

Telework

Emergency Preparations

Telework is an excellent tool in addressing continued mission accomplishment during a period of pandemic influenza. Telework agreements are particularly important for those employees considered essential for mission accomplishment. Telework Agreements should communicate expectations for regular, ad hoc and emergency telework. (See Appendix A for a sample Telework Agreement.)

to provide access and assistance to remote users. IT systems must have the capability to handle increased remote connectivity during a pandemic situation.

- ❖ IT and information security must be in place and enforced at the same level whether employees telework or perform duties at the traditional worksite.
- ❖ Telework should be utilized/tested on a routine basis to ensure organizations have the capability to function from remote locations.
- ❖ In an emergency situation, employees may be asked to telework without a prior telework agreement in place.
- ❖ Telework may be approved for the length of time the employee has work to perform at a location other than the traditional worksite.

Telework and Family Care

Employees may need to provide care to sick family members, and/or childcare for children who have been sent home due to the pandemic.

- ❖ If the child or sick family member will require minimal care, the employee may telework, if approved, during the time he or she is not providing care to the child or sick family member. The employee must request leave for the remainder of the time.
- ❖ If the employee will be providing constant care to a child or a sick family member, telework is not appropriate.
- ❖ Employees may also request adjustments to their work schedules in order to perform telework during the time they are not responsible for family care.

Commands should be flexible when determining whether or not an employee can accomplish duties from home while caring for a child or sick family member during a pandemic situation.

Note: For command specific telework information, contact the appropriate Command Telework Coordinator (See Appendix B for a list of Command Telework Coordinators).

Medical Considerations

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ARMY COMMAND TELEWORK COORDINATORS - As of September 2009			
	POC	Commercial #	DSN #
Administrative Assistant to the Secretary of the Army (AASA) - for HQDA Organizations			
Primary	Rita Robinson	(703)602-2671	332-2671
Civilian Human Resources Agency (CHRA)-Falls under AASA			
Primary	John Carbone	(410)306-1710	458-1710
US Army Intelligence and Security Command (INSCOM)			
Primary	Mary Sebero	(703)428-4649	328-4649
Alternate	Karen Wolfe	(703)428-4628	328-4628
US Army Training and Doctrine Command (TRADOC)			
Primary	Ruth Sharp	(757)788-5236	680-5294
Alternate	Mike McClure	(757)788-5294	680-5294
US Army Corps of Engineers (USACE)			
Primary	Kim Gryskevicz	(202)761-7277	761-7277
US Army Forces Command (FORSCOM)			
Primary	Angela L. Willis	(404)464-6815	367-6815
US Army Europe and Seventh Army (USAREUR)			
Primary	Daniel Menzel	314-375-2542	375-2542
US Army Criminal Investigation Command (USACIDC)			
Primary	Beverly Anderson	(703)806-0339	656-0339
US Army Acquisition Support Center (USAASC)			
Primary	Eartha Henry	(703)805-1046	655-1046
Military Surface Deployment and Distribution Command (SDDC)-Falls under AMC			
Primary	Mr. Darren Mims	(618)220-5044	770-5044
Alternate	Bill Adams	(618)220-5148	770-5148
US Army Medical Command (MEDCOM)			
Primary	Dorothea Walker	(210)221-8882	471-8882

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SAMPLE

**TECHNOLOGY/EQUIPMENT CHECKLIST
 TELEWORK PROGRAM**

Technology/Equipment	Requirement	Ownership	Reimbursement By Component
	Yes or No	Agency or Personal	Yes or No
COMPUTER EQUIPMENT			
Laptop			
Desktop			
PDA			
ACCESS			
IPASS/VPN Account			
CITRIX-Web Access			
Other			
CONNECTIVITY			
Dial-In			
Broadband			
REQUIRED ACCESS CAPABILITIES			
Shared Drives (e.g., H or P Drive)			
E-Mail			
Component Intranet			
Other Applications:			
OTHER EQUIPMENT/SUPPLIES			
Copier			
Scanner			
Printer			
Fax Machine			
Cell Phone			
Paper Supplies			
Other:			

- ❖ Directing employees for medical evaluation - Medical evaluations may only be required when the position occupied by the employee contains properly developed medical standards or physical requirements, or it is part of an established medical evaluation program. Managers should contact their servicing CPAC and legal office if they have questions about medical examinations.

- ❖ Commands may contact the on-site or local employee health services for resource information regarding transmission of influenza, or any communicable disease, and the precautions that should be taken to reduce the illness' spread in the workplace.

Leave

- ❖ Normal leave provisions apply.
- ❖ Sick (and annual) leave may be used for personal medical care, family medical care, bereavement, and exposure to a communicable disease.
- ❖ Employees exhibiting signs of illness should be reminded of their leave options for seeking medical attention, such as requesting sick or annual leave.
- ❖ Sick leave may be granted only when supported by administratively acceptable evidence as determined by management officials. (Generally, a management official may consider an employee's self-certification as to the reason of absence as administratively acceptable evidence, regardless of duration of the absence.) A management official may also require a medical certificate or other administratively acceptable evidence for an absence in excess of 3 workdays, or for a lesser period when management determines it is necessary.
- ❖ Sick leave may be appropriate if health authorities (Federal, State, or local) or health care provider determines that an exposed employee may jeopardize the health of others.
- ❖ Sick leave should not be granted to employees for the purpose of caring for a healthy child sent home due to school closures. (Annual leave, other paid time off, or leave without pay should be used for this purpose. (See also the section on Telework.)

Insufficient Leave Balance

Commands may use the following options for employees with insufficient leave balances during a pandemic, where appropriate:

- ❖ Telework.
- ❖ Advanced leave.
- ❖ Leave donations through the Voluntary Leave Transfer Program.
- ❖ Leave Without Pay.
- ❖ Excused absence (See Administrative Leave section).

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SAMPLE**

SAFETY CHECKLIST TELEWORK PROGRAM		
Safety Feature	Yes (X)	No (X)
Temperature, ventilation, lighting, and noise levels are adequate for maintaining a home office.		
Electrical equipment is free of recognized hazards that would cause physical harm (frayed, exposed, or loose wires; loose fixtures, bare conductors, etc.)		
Electrical system allows for grounding of electrical equipment (three-prong receptacles).		
Office (including doorways) is free of obstructions to permit visibility and movement.		
File cabinets and storage closets are arranged so drawers and doors do not enter into walkways.		
Phone lines, electrical cords, and surge protectors are secured under a desk or alongside a baseboard.		
If material containing asbestos is present, it is in good condition.		
Office space is free of an excessive amount of combustibles, floors are in good repair and carpets are well secured.		
Employee's Signature	Date	

Administrative Leave (Excused Absence)

If a government-wide policy on excused absence is developed in response to a pandemic situation, commands will be notified as soon as possible. Until such time, administrative leave is usually used as the last resort and should only be used for periods of short duration.

- ❖ Administrative leave is a paid, non-duty status that does not require the employee's consent or request.
- ❖ Employees temporarily prevented from working (e.g., because of installation/workplace closure) may be granted administrative leave if arrangements cannot be made for the employee to telework or work from an alternative duty station.
- ❖ Under special circumstances, employees who pose a potential health risk may be placed on administrative leave and ordered to stay away from the workplace, to protect employees and prevent the spread of disease.

Prior to granting administrative leave, commands should seek advice from the servicing CPAC.

Family and Medical Leave Act (FMLA)

- ❖ Employees may invoke entitlement to unpaid leave under FMLA.
- ❖ Employees may take up to 12 weeks of leave without pay during a 12-month period for a serious health condition that prevents the employee from performing his or her duties or to care for a spouse, son, daughter, or parent with a serious health condition.
- ❖ Employees may substitute their accrued annual and/or sick leave for unpaid leave in accordance with current laws and regulations.

Enforced Leave

- ❖ Enforced leave occurs when management officials involuntarily place an employee in a non-duty status, i.e., annual leave, sick leave, or leave without pay. Management officials should NOT place an employee on enforced leave without first consulting with their servicing CPAC and legal office because such action may constitute an adverse action (constructive suspension) and result in a grievance or an action appealable to the Merit Systems Protection Board.

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14. Army retains the right to inspect the home worksite, by appointment only, to ensure safety standards are met and Government-owned equipment is properly maintained.
15. Army will not be responsible for operation, maintenance, or any other costs (e.g., utilities) associated with the use of the employee's residence.
16. Army will not be liable for damages to an employee's personal or real property during the course of performance of official duties or while using Army equipment in the employee's residence, except to the extent the Army is held liable by the Federal Tort Claims Act or from claims arising under the Military Personnel and Civilian Employees Claims Act.
17. Employee paid from appropriated funds are covered under the Federal Employee's Compensation Act if injured in the course of performing official duties while at the official alternate worksite. Employees paid from nonappropriated funds are covered under the Longshoremen's and Harbor Workers' Compensation Act (LHWCA). Any accident or injury occurring at the alternative workplace must be brought to the immediate attention of the supervisor who will investigate all reports as soon as practical following notification.
18. The employee acknowledges that telework is not a substitute for dependent care.
19. The employee acknowledges telework is a discretionary alternative workplace arrangement.
20. Either the employee or the supervisor can cancel the telework agreement by giving advance written notice. Management will terminate the telework agreement should the employee's performance not meet the prescribed standard or the teleworking arrangement fail to meet organizational needs.
21. The employee continues to be covered by Army standards of conduct while working at the alternative worksite.
22. The employee has assessed the telework location against the attached safety checklist and certifies the location meets all safety requirements.
23. Add Command/Organization-specific conditions below.

PRIVACY ACT STATEMENT

Authority: Public Law 106-346, Sec. 359, Transportation Appropriations Act 2001

Principle Purpose(s): Information is collected to register individuals as participants in the DoD alternative workplace program; to manage and document the duties of participants; and to fund, evaluate and report on program activity. The records may be used by Information Technology offices for determining equipment and needs; for ensuring appropriate system safeguards are in place, and for managing technological risks and vulnerabilities.

Safeguarding the workforce when an employee exhibits symptoms of illness

- ❖ Express general concern and remind the employee of his or her leave options for seeking medical attention, such as requesting sick leave, annual leave, advanced leave, or leave without pay.
- ❖ Use telework if appropriate (See Telework section).
- ❖ If other options are not available, place the employee on administrative leave (See Administrative Leave section).

Directing an employee to leave the workplace

- ❖ If the employee is physically unable to perform work, or poses a health risk to himself/herself or others.
- ❖ Based on objective evidence (statement from medical professional, employee living in a quarantined area, employee admits illness, etc.) only, not suspicion.
- ❖ Consider the employee's ability to safely depart the workplace.
- ❖ Consult with servicing CPAC and legal office if considering this action.

Dealing with an employee reluctant to return to the workplace

- ❖ Direct the employee to report to work or provide administratively acceptable medical evidence that continued absence is necessary.
- ❖ An employee who fails to report to work or provide administratively acceptable documentation may be charged with absence without leave (AWOL).
- ❖ AWOL may result in disciplinary action against the employee.

Work Schedules

Commands may consider work schedule flexibilities to ensure continuity of operations and promote the "social distancing" of employees:

- ❖ Activities have the discretion to change an employee's work schedule.
- ❖ Work schedule changes must be consistent with law, regulations, and any applicable collective bargaining agreement.
- ❖ Alternate work schedules, such as compressed work schedules and flexible work schedules, may be considered.
- ❖ Shift work is a mitigation strategy for reducing the spread of germs.
- ❖ Activities may require employees to perform overtime work.

Pay and Benefits

Certain pay provisions are or may become available during a pandemic emergency. These should aid commands in managing workload and providing assistance to employees. Current employee benefits will remain in effect throughout the course of any outbreak. In adjusting the schedules of employees to promote social distancing and to provide flexibilities during a pandemic, commands should consider the implications of such adjustments on Overtime Pay, Night Pay, Sunday Pay, and any applicable Holiday Premium Pay.

Annual Premium Pay Cap

- ❖ If it is determined that an emergency or mission critical work condition exists under 5 C.F.R. §550.106, employees may be paid under an annual premium pay limitation instead of a biweekly limitation.
- ❖ Provides a financial benefit for employees whose premium pay would otherwise cause them to exceed the biweekly limit.

Evacuation Pay

- ❖ An agency may order one or more employees to evacuate from their worksite during a pandemic health crisis to a safe haven location.
- ❖ During an authorized evacuation, employees may be required to work from designated safe havens. A safe haven is a designated area to which an employee will be evacuated, such as home or an alternate location.
- ❖ Evacuation pay is used to ensure employees continue to be paid when standard time and attendance procedures cannot be followed.
- ❖ Based on regular rate of pay.

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TERMS OF TELEWORK AGREEMENT

The terms of this agreement must be read in conjunction with Department of Defense (DoD) telework policy, available on the Army PERMISS website at <http://cpol.army.mil/library/permis/5020.html>, and any additional guidance provided by Army and the Command Telework Coordinator. Signatories certify they will abide by this agreement, the DoD telework policy, and all supplemental terms established by Army and the command/organization.

1. Work schedules and hours of duty may be modified as necessary, but are subject to local management procedures, approval and/or collective bargaining agreement requirements. A copy of the employee's daily schedule should be kept on file with the signed telework agreement. If the employee is designated to telework in the case of an emergency, the work hours may be subject to change. Emergency schedules will be set based on mission needs.
2. If the employee reports to the traditional worksite at least twice per pay period, the traditional worksite is the official worksite as defined in 5 CFR part 531.605.
3. If the employee does not report to the traditional worksite at least twice each biweekly pay period, except during emergencies (including a pandemic), the official worksite is the location of the employee's telework site. Exceptions to the twice each biweekly pay period requirement may be made for short-term situations (e.g., special projects, medical accommodation).
4. All pay (to include locality pay or local market supplement), leave, and travel entitlements are based on the employee's official worksite as documented on a Notice of Personnel Action.
5. Prior to signing this telework agreement, the supervisor and employee will discuss:
 - Office procedures (e.g., procedures for reporting to duty, procedures for measuring and reviewing work, time and attendance procedures, procedures for maintaining office communications);
 - Safety and technology/equipment requirements (attached); and
 - Performance expectations.
- Employee will not work in excess of the prescheduled tour of duty (e.g., overtime, holiday work, or Sunday work) unless he/she receives permission from the supervisor. By signing this form, the employee acknowledges that failure to obtain proper approval for overtime work may result in cancellation of the telework agreement and/or disciplinary action.
- Supervisors have the authority to call any employee back to the traditional worksite for mission needs at any time. Call back (outside normal work hours) shall be handled in accordance with established policy and/or collective bargaining agreements, if applicable.
- If the employee uses government owned equipment, employee will use and protect the equipment in accordance with Army procedures. Government-owned equipment will be serviced and maintained by the government.
- The employee agrees to comply with the terms of computer software license and copyright agreements, as well as any Army computer virus and protection requirements and procedures.
- **No classified documents (hard copy or electronic) may be taken to, or created at, an employee's alternative worksite. For Official Use Only and sensitive non-classified data may be taken to alternative worksites if necessary, precautions are taken to protect the data, consistent with DoD and Army regulations.**
- The supervisor will determine how frequently, if at all, backup copies of data onto network drives or removable disks must be made to protect against loss of data. The supervisor may also require the employee to periodically send backup copies to the main work facility.
- The employee may be reimbursed for authorized expenses incurred while conducting business for the government, as provided by statute and implementing regulations and any applicable Memorandum of Agreement or contract clause(s). Claims for reimbursement of expenses must be submitted in accordance with Army policy.

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SAMPLE**

**[Insert Command/Organization
Name]**

TELEWORK AGREEMENT

This document constitutes the terms of the telework agreement for:

Employee:	Job Title:
Pay Plan/Series:	Organization:
Traditional Official Worksite:	Alternative Worksite Address:
Alternative Worksite Facsimile:	Alternative Worksite E-mail Address:
Telework Arrangement Implementation Dates: (Agreement should be revalidated at least once every twelve months)	Tour of Duty (Attach copy of bi-weekly work schedule) Fixed: <input type="checkbox"/> Flexible: <input type="checkbox"/> Compressed: <input type="checkbox"/>
Start: _____ End: _____	

Telework Arrangement:
*Regular and recurring: **Situational:

COOP "Emergency Response" Status:

Employee **(IS) (IS NOT)** expected to telework for the duration of the emergency during a pandemic and/or when the traditional worksite is closed due to emergency situations (e.g., snow emergencies floods, hurricanes). If a designated employee is unable to work due to illness or dependent care responsibilities, the employee will be charged annual or sick leave as appropriate. Managers will include a description of emergency duties with this agreement if emergency duties are different from the employee's normal duties.

*Regular and recurring Telework. Employees who telework at least twice biweekly pay period at the alternative worksite must complete a telework Authorization Management Employee Date Approved bi-weekly schedule will be attached to this document.

**Situational Telework. Employees who telework less frequently than twice each biweekly pay period should have a telework agreement to clarify work expectations; however, an agreement is not mandatory. Employees who telework to complete short-term special assignments or accommodate special circumstances are also considered situational teleworkers even though they may telework continuously for a specified period.

❖HDP and EDP are additional payments for job-related exposure to hazards, physical hardships, or working conditions of an unusually severe nature which cannot be eliminated or significantly reduced by preventive measures (e.g., safety equipment, protective clothing).

❖There is no authority to pay HDP or EDP to employees for the potential exposure to pandemic influenza.

Benefits

Benefits for Federal employees and eligible family members remain unchanged during a pandemic influenza. The OPM Website has a wealth of information about employee and family support benefits and policies.

http://www.opm.gov/employment_and_benefits/employeesupport2.asp

Hiring Flexibilities

To ensure the continuity of operations of Army's critical and essential functions, commands may utilize a variety of staffing flexibilities to fill emergency or special staffing needs by considering excepted appointments; reemploying annuitants; direct-hire authority; contractor personnel; competitive service appointments of 120 days or less; and the Reemployment Priority List (RPL).

Additional information regarding staffing flexibilities is available on OPM's website at <http://www.opm.gov/pandemic/index.asp>

Labor Relations

With almost any action taken by management to address a pandemic influenza outbreak, there may be associated labor relations obligations. If possible, these obligations should be addressed well before the need arises to take emergency measures.

Planning

Activities should begin now to address what steps may be needed in the event a pandemic influenza outbreak impacts operations. In formulating your plan, it is strongly recommended that union representatives serve on any planning committee. Plans may

final plan will have to be shared with the union, and in most cases, labor relations obligations must be met prior to implementation. (Fulfilling your labor relations obligations may in most cases be delayed if an actual emergency exists and immediate implementation of a plan is required for the necessary functioning of the activity.)

Important First Step

One of the first steps to be taken is to review your collective bargaining agreement to determine:

- ❖ What authorities have already been negotiated;
- ❖ What provisions need to be added; and
- ❖ Which provisions may serve to hinder the timely implementation of your plan.

Where additional provisions are needed or where compliance with the contract may hinder implementation of an effective pandemic plan, management should immediately address those matters with the union and seek to make the necessary additions or changes. Where contract provisions need to be modified, the parties can, if appropriate, agree that such changes occur only in the presence of a pandemic-related emergency.

Emergency Actions

Where a plan of action has not been fully formulated, or where negotiations have not been completed, and a pandemic outbreak occurs requiring immediate action necessary to address the emergency:

- ❖ Management, in most cases, may take unilateral steps to address the emergency prior to fulfilling its labor relations obligations; but
- ❖ Unions should be provided as much advance notice as possible and bargaining should commence as soon as practicable with any subsequent agreement receiving retroactive effect to the extent possible.

Important Note - Management's decision to unilaterally implement changes to working conditions based on an "emergency" situation is reviewable in a third party forum via a grievance or unfair labor practice. In other words, while management may determine that an emergency exists, such determination is subject to third party

Activities are encouraged to work with their servicing CPACs in addressing the labor relations obligations associated with any pandemic influenza initiative.

Nonappropriated Fund (NAF) Workforce

NAF operates under different personnel policies and regulations than appropriated fund employees. For example, NAF employees are not subject to the statutory biweekly limitation on premium pay.

For further information on NAF policies, contact the servicing CPAC NAF Human Resources Office (HRO).